

HOUSE BILL NO. 439

INTRODUCED BY R. KOOPMAN

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN OWNERS OF PRIVATE FISH PONDS FROM LICENSING REQUIREMENTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Determination of licensing requirements for private ponds. (1) A person who owns a private fish pond WITHIN THE BOUNDARIES OF THE EASTERN MONTANA FISHING DISTRICT, AS ESTABLISHED BY COMMISSION REGULATIONS, and WHO wishes to stock the pond with game fish or other fish species from a hatchery approved by the department may be exempt from fish pond licensing requirements and imposed duties pursuant to 87-4-603(1) THROUGH (5) if:

(a) the pond does not come into contact with other bodies of water and it is outside an historic flood plain;

(b) there is no reasonable possibility of fish escaping and a threat is not posed to game fish or other fish species in nearby waters;

(c) the pond does not exceed 50 acres in surface area; and

(d) the department has determined that the private pond is exempt from licensing requirements after submission of ~~a form~~ AN APPLICATION described in subsection (2) AND AN ONSITE INSPECTION IF REQUESTED BY THE DEPARTMENT PURSUANT TO SUBSECTION (3).

(2) A person who owns a private fish pond WITHIN THE BOUNDARIES OF THE EASTERN MONTANA FISHING DISTRICT, AS ESTABLISHED BY COMMISSION REGULATIONS, and WHO does not wish to obtain a private fish pond license shall submit a department-generated ~~form~~ APPLICATION describing salient features of the pond, including ~~but not limited to~~ the pond's size, location, ~~and~~ contact with other bodies of water-, AND APPROPRIATE WATER RIGHTS.

(3) IF REQUESTED, THE POND OWNER SHALL PROVIDE ACCESS FOR AN ONSITE INSPECTION BY THE DEPARTMENT PRIOR TO A DECISION BY THE DEPARTMENT AS TO WHETHER A LICENSING EXEMPTION WILL BE GRANTED.

~~(3)(4)~~ (4) If the department fails to issue a determination of whether the fish PRIVATE pond meets the criteria for exemption from licensing requirements under 87-4-603 within 30 days OF RECEIPT OF A COMPLETE APPLICATION, the owner of a private fish pond is considered to be exempt from licensing requirements.

